

Remarks

Claims 1-10 and 15-22 are now in the application. Claims 1-10 have now been amended to more clearly obviate the 35 U.S.C. § 112 rejection. Each now calls for the circular cylindrical cross-section wall segment to be formed of deformable material and to be deformed radially outwardly both elastically and unelastically so that an interference fit is established in the assembly.

Regarding the prior art, specifically the Baltzell et al. patent, it does not anticipate, teach or suggest applicant's invention as claimed. The Examiner's reliance upon Baltzell et al. is based upon language at Column 2, lines 43-46, of the specification. There the specification states:

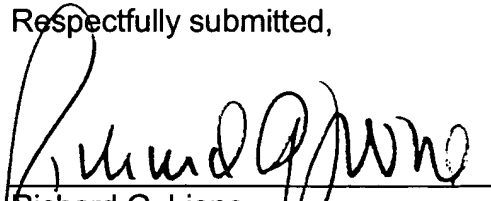
The marginal portion 36 of the cap encircles the enlargement 28 of the nut with the cylindrical portion 40 thereof contacting the radially outer surface of the enlargement 28 throughout a full 360°.

Applicant submits that the foregoing sentence does not describe an interference fit to one skilled in the art of designing and manufacturing capped wheel nut assemblies. A ring which encircles and contacts a cylindrical surface is neither explicitly nor inherently in interfering relationship with that surface. It may slide freely on that surface and, in fact, be designed to do so. To find that a disclosure inherently teaches some structure or function, the law is clear that the disclosure must permit of no alternative to the inherency required.

Baltzell et al. actually teaches away from the claimed invention. It inherently teaches that an interference fit is not present. Otherwise there would be no use for an adhesive 501 to fasten the cup 12 to the nut body 14.

Claims 1-10 and 15-22 should be in allowable form. Passage of the application to issue is respectfully requested.

Respectfully submitted,



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